

COMMONWEALTH V. ERIC KELLEY

# 03-10726

**AFFIDAVIT IN SUPPORT OF  
MOTION TO DISMISS FOR THE  
DENIAL OF ACCESS TO THE COURTS.**

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I Eric Kelley, The Pro Se defendant  
in the above entitled matter, here-by depose;

1) A hearing was held before the  
Honorable Carol Ball, concerning placement in the  
state prison system (while awaiting trial). The lawyer  
for the D.O.C. William Saltzman Esq. informed the court  
(but not limited to;

a) Defendant would be housed safely.

b) Medium secure facility.

c) Would have mandated access to the  
law library and to the courts. His testimony confirmed that  
ALL the defendants legal mail would be mailed if he had  
no funds at the time.

d) The defendant only gets 1½ library  
access, which is grossly limited and violative of the  
state and federal mandates concerning a Pro Se defendant  
in a criminal prosecution.

e) ALL of the defendants motions, pleadings  
and court missives have been returned without being mailed.  
The inmate accountant claims the defendant is "Not Indigent"

f) The defendant has had \$15.00 (fifteenth  
dollars) since March 30th. 2005 until August 2005, well  
within the criteria of indigentcy.

g) Another hearing was held before Judge  
Jeffery Locke, and Atty. Saltzman assured library access.

Truthfully Deposed, Under the  
Pains & Penalties of Perjury;

Eric Kelley  
Eric Kelley (Pro Se)

DATED:

Aug 10, 05

Witnessed:

Dornell Wigfall  
Dornell Wigfall